

Application No. 13617021  
Attorney Docket No. 030471

Amendment under 37 C.F.R. §1.111  
Amendment filed: October 6, 2006

**AMENDMENTS TO THE DRAWINGS**

The attached sheet of drawings includes changes to Figures 5 and 6.

Application No. 18/617,021  
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### **REMARKS**

Claims 1-8 are pending in the above-identified application. Figures 5 and 6 are herein amended.

It is respectfully submitted that this Amendment is fully responsive to the Office Action dated June 28, 2006.

### **Objections to the Drawings**

Figures 5 and 6 were objected to because “only that which is old is illustrated.” To obviate this objection, Applicants hereby amend Figs. 5 and 6 to be designated as --Prior Art—.

Accordingly, Applicants respectfully request that the Examiner withdraw the objection to the drawings.

### **Claim Rejections – 35 U.S.C. §103**

Claims 1 and 3-8 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Abedi* (U.S. Pat. No. 6,413,431). Separately, claims 1-8 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Fischer*.

In rejecting claim 1, the Examiner acknowledged that “*Abedi* and *Fischer* fail to explicitly teach a binary converter, logical operator or a shift time canceller” (page 3, lines 7-8; page 4, lines 16-17), where these elements are the gist of the present invention. However, the Examiner concluded that “the teaching that the fraction collector is triggered when the presence of a compound of interest is detected by UV and/or MS detection suggests assigning a binary

value to portions of each the chromatograms derived from the UV and MS detectors, e.g., ...". Applicants respectfully disagree with the Examiner's conclusory and unsupported position for at least the following reasons.

For example, claim 1 describes a logical operator, which performs a binary operation using binary signals from plural detectors and controls a separation controller based on the binary operation. However, this feature is neither described nor suggested in *Abedi* and/or *Fischer*. Accordingly, Applicants respectfully submit that the Examiner has failed to present a *prima facie* case of obviousness with regards to independent claim 1.

Briefly, a *prima facie* obviousness rejection requires evidenced motivation from something in the record that would lead one skilled in the art to combine or modify the relevant teachings. Therefore, if the Examiner wishes to maintain this rejection, then the Examiner must provide evidence from the cited reference that would actually suggest what the Examiner purports it to suggest.

Claims 2-8 depend from independent claim 1 and should likewise be allowable by nature of dependency.

Claim 2 was also rejected under 35 U.S.C. §103(a) as being unpatentable over *Abedi* as applied to claims above, and further in view of *Fischer et al.* (U.S. 2002/0121468).

However, claim 2 depends from independent claim 1 and should likewise be allowable by nature of dependency for the reasons discussed above.

**Conclusion**

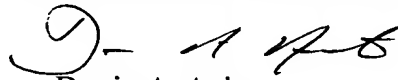
In view of the aforementioned remarks, Applicants submit that the claims are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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